

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS, et al.,

Plaintiffs,

-against-

MARCO RUBIO, et al.

Defendants.

1:25-CV-10685 (WGY)

**DECLARATION OF NOAM BIALE IN SUPPORT OF PLAINTIFFS' MOTION
FOR A PROTECTIVE ORDER**

I, NOAM BIALE, an attorney admitted *pro hac vice* in this matter, hereby declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am a partner at the law firm Sher Tremonte LLP and counsel to Plaintiffs in this matter.
2. I respectfully submit this declaration in support of Plaintiffs' motion to compel the deposition of Darren McCormack, Deputy Special Agent in Charge ("DSAC"), Homeland Security Investigations, Department of Homeland Security (the "Motion to Compel").
3. Attached hereto as **Exhibit A** is a true and correct copy of Plaintiffs' June 27, 2025 e-mail noticing the depositions of several government witnesses.
4. Attached hereto as **Exhibit B** is a true and correct copy of Plaintiffs' deposition notice to Darren McCormack attached to Exhibit A.
5. Attached hereto as **Exhibit C** is a true and correct copy of Plaintiff's June 29 and 30, 2025 e-mails asking Defendants to confirm whether DSAC McCormack was available for the July 1, 2025 noticed deposition.

6. Attached hereto as **Exhibit D** is a true and correct copy of Defendants' July 6, 2025 e-mail confirming the dates and times for various depositions, Plaintiffs' July 8, 2025 e-mail confirming the location of DSAC McCormack's deposition, and Defendants' response that the deposition would not go forward as scheduled.

7. At a deposition of Jeffrey Reger in Washington, D.C. that occurred on July 1, 2025, the parties discussed scheduling of depositions and Defendants identified July 9, 2025 as the date DSAC McCormack would be available to be deposed.

8. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: New York, New York
July 8, 2025

/s/ Noam Biale
Noam Biale